16:Bandelier E-4 (no date) 1880 NU7 Aztec NU7

697 be sacrificed forthwith.[149] The two former kinds of prisons were used for lighter degrees of offenders. At any rate they were but temporary places of detention, for any prisoner left there for any length of time invariably died of hunger, filth, and bad air. Permanent confinement simply meant death.[150]

618 The execution of all these penalties necessarily presupposed for the kin a regulated administration. It therefore leads us to the governmental machinery proper of the calpulli. The nature of this government is expressed by the following rule of kinship, already found in vigor among more northern Indians.

The kin had the right to elect its officers, as well as the right to remove or depose them for misbehavior.[151]

This at once establishes the calpulli, as we have already stated in several places, to be an autonomous body, enjoying self-government, consequently a DEMOCRATIC ORGANIZATION. The truth of this we intend to show by an investigation of the different offices to which the care of the kin's business was committed.

A *council*, consisting of a number of old men, formed the highest authority of the calpulli. How many they were is not stated, but it is probable that their number varied according to that of the members of the kin. Medicine-men may, also, have been members of this body, which held its meetings at intervals in the official house of the "quarter." It exercised criminal jurisdiction as well as civil, and attended to all grave questions affecting the kinship. It is also stated that, on certain occasions, a general meeting of all the members of the calpulli was convened.[152]

[149] No better illustration of the "Quauhcalli" can be found than that given by *H. H. Bancroft* ("Native Races," cap. XIV, p. 453. Volume II).

[150] The cruel and unwholesome nature of aboriginal places of detention previous to the conquest is amply stated. As it is very justly remarked by *Mr. Bancroft* (Vol. II, p. 453): "They had prisons, it is true, and very cruel ones, according to all accounts, but it appears that they were more for the purpose of confining prisoners previous to their trial, or between their condemnation and execution, than permanently, for punishment." To the authorities quoted by the celebrated Californian, I will add here in further support of his views (and mine), *Gomara* (Vedia I, p. 442): "Las cárceles eran bajas, húmedas y escuras, para que temiesen de entrar allí." *Vetancurt* (Vol. I, Part II. Trat. II, cap. I, p. 370). *Tezozomoc* ("*Crónica*" cap. XCIX, p. 178): "mandóles llevar á la carcel á todos, que llamaban cuauhcalco, que era á manera de una caja, como cuando entapian ahora alguna persona, que les dan de cómer por onzas."

[151] "*Ancient Society*" (Part. II, chapter II, pp. 71, 72, and 73. Chap. VIII, p. 225, Cap. XI. pp. 285 and 297).

[152] It is singular that this council of the kin or "gens," while some parts of its functions are preserved in nearly every author, has as a body been so generally overlooked. *Zurita* (pp. 55 and 56) says: "the chief does nothing without consulting the other old men of the calpulli." Indirect evidence of it is given by *Sahagun* (Lib. II, cap.